

1 RAMIRO MORALES, Bar # 167947
rmorales@mfrlegal.com
2 DAVID A. ASTENGO, Bar # 196096
dastengo@mfrlegal.com
3 MORALES, FIERRO & REEVES
4 2300 Contra Costa Blvd., Suite 310
Pleasant Hill, California 94523
5 Telephone: (925) 288-1776
Facsimile: (925) 288-1856
6

7 Attorneys for Defendant, WESTCHESTER SURPLUS
LINES INSURANCE COMPANY
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO
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15 SIERRA BAY CONTRACTORS, INC.,) CASE NO.: 3:10-cv-04611-RS
16 A California Corporation,)
17 Plaintiff,)
18 vs.)
19 WESTCHESTER SURPLUS LINES)
INSURANCE COMPANY, a Georgia)
corporation, and DOES 1 through 50,)
inclusive,)
20 Defendants.)
21 _____)
22
23 Counsel for Defendant, Westchester Surplus Lines Insurance Company
24 (“WESTCHESTER”), submitted to this Court the “Stipulated Request That Defendant,
25 Westchester Surplus Lines Insurance Company, Be Granted Leave To File A Third-Party
26 Complaint Pursuant to F.R.C.P. 14” (the “Stipulated Request”).
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1 As set forth in the Stipulated Request, it is plaintiff, Sierra Bay Contractors, Inc.'s ("SIERRA
 2 BAY"), contention in this action that WESTCHESTER has a duty to defend and indemnify SIERRA
 3 BAY against the claims and demands being asserted against SIERRA BAY in two ongoing
 4 underlying actions (the "Underlying Actions"). Furthermore, it is WESTCHESTER's contention
 5 that certain insurance carriers have a duty to defend SIERRA BAY in the Underlying Actions as
 6 their additional insured. More specifically, it is WESTCHESTER's contention that each said
 7 insurance carrier is or may be liable to WESTCHESTER for all or part of SIERRA BAY's claims
 8 against WESTCHESTER in this action.

9 WESTCHESTER now seeks leave to file the "Westchester Surplus Lines Insurance
 10 Company's Third-Party Complaint For: (1) Declaratory Relief; (2) Equitable Contribution; and
 11 (3) Equitable Subrogation" (the "WESTCHESTER Third-Party Complaint") pursuant to Federal
 12 Rule of Civil Procedure 14 as to those insurance carriers whom WESTCHESTER contends have a
 13 duty to defend SIERRA BAY in the Underlying Actions as their additional insured.

14 After consideration of the Stipulated Request and the proposed WESTCHESTER Third-
 15 Party Complaint attached as exhibit "A" thereto, the Court orders as follows:

16 WESTCHESTER is hereby granted leave pursuant to Federal Rule of Civil Procedure 14
 17 to file the "Westchester Surplus Lines Insurance Company's Third-Party Complaint For:
 18 (1) Declaratory Relief; (2) Equitable Contribution; and (3) Equitable Subrogation" attached as
 19 exhibit "A" to the Stipulated Request.

20
 21 **IT IS SO ORDERED.**

22
 23 Date: 3/21, 2011

24 By:



25 HONORABLE RICHARD SEEBOORG
 26 United States Judge
 27 United States District Court, Northern
 28 District of California